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January 29, 2010

MaryAnn Stevens
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, Indiana 4604-2251

RE: LSA Document #08-764 2nd Notice of Comment Period
Development of New Rules and Amendments to Rule Concerning
Antidegradation Standards and Implementation Procedures

Dear Ms. Stevens:

Thank you for the opportunity to comment on the *Development of the New Rules and Amendments to Rule Concerning Antidegradation Standards and Implementation Procedures* during the 2nd notice period. The Northwest Indiana Forum is a membership based, not for profit regional economic development organization. Our membership represents industrial and commercial businesses, financial entities, universities and municipalities within Lake, Porter, LaPorte and Starke counties – a diverse group. In total, our membership represents \$40 billion in commerce annually on behalf of the State of Indiana. Important to note, our members embrace environmental stewardship and sustainability as core business values in corporate vision statements.

The Northwest Indiana Forum endorses activities and rulemaking procedures that are supportive of protecting the environmental, economic and social justice components of the quality of life for our residents. In order to accomplish this, the Indiana Department of Environmental Management (IDEM) must position their regulatory processes to ensure permitting certainty. New, expanding and existing permitted facilities need to have a clear direction on what steps are necessary for them to comply with the rules and regulations of Indiana and the guarantee that technically and legally sound permits will be issued in a timely fashion. Without permitting certainty, plant expansions and new project opportunities may be reduced.

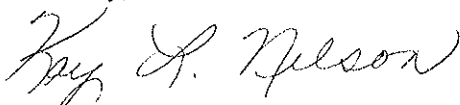
In our role as an economic development organization, we strive to assist in the retention and increase of sustainable quality jobs. Providing Indiana's college graduates a broad spectrum of job opportunities and a consistently evident approach to continually improve the quality of life including a respected and protected environment are critical to the successful future of Northwest Indiana.

The following comments of support and concern have been received from the Forum membership for transmittal to IDEM:

- Antidegradation rules must be finalized in a manner that provides clear guidance on when and what is required
- Public outreach and education is critical to permit issuance. To provide the citizens of Indiana the assurance of quality outreach and education, public venues whereby antidegradation is discussed should be managed in a consistent manner by the IDEM.
- Antidegradation Trigger mechanisms should be developed and implemented to address situations when a permit application is requesting approval for a higher limit of a regulated parameter within an existing permit or a limit for a parameter new to the permit. Clarification within the rules will provide direction to permit applicants as new and/or expansion concepts are being developed.
- In instances where a permit applicant has performed a Variance Request, 316(a) variances as an example, the rules should reflect that the Variance Request application satisfies the antidegradation demonstration requirements. To require a duplicate submittal is an economic burden.
- In today's competitive global business climate, Indiana must be sensitive to the De minimus provisions enacted by neighboring states. As such, the proposed, 1% (Tier I criteria), 2% (Tier II Values) and 2.5% (cumulative cap) are more stringent than the Great Lakes Water Quality Guidance and neighboring states standards. IDEM has not sufficiently presented data or information to show that the current de minimus/cumulative cap provisions of 10% are unsatisfactory for managing antidegradation standard requirements with respect to minor increases to permit limits. Where the effect of a new or increased discharge on the environment is insignificant (*i.e.*, is less than the de minimus threshold), there is no benefit to requiring the commitment of time and money by the public, the regulated community, and government agencies. Requiring extensive review of insignificant or inconsequential discharges that clearly will remain below the water quality standards hinders industrial growth and expansion without offering any meaningful added protection to human health or the environment.
- Water quality improvement projects language needs clarification. Whereby it is appreciated that the proposed rule provides for a maximum dollar figure as a component of the guidance, it is necessary to provide further clarification to assist permittees as to the direction on how the IDEM will make a determination regarding the final cost of the required project.
- Pollutants of Concern as defined and applied to pollutants reasonably expected to be present in a discharge based upon technical knowledge is supported. However, concern arises when the definition is expanded to include pollutants in receiving water beyond the control of the regulated facility.

Thank you for the opportunity to provide you with our support and concerns related to the proposed rule. The Northwest Indiana Forum members have appreciated the IDEM public outreach and educational efforts to date as all parties have worked diligently to finalize this issue.

Sincerely,



Kay L. Nelson
Director, Environmental Affairs
Northwest Indiana Forum

Copies: Mark T. Maassel, President/CEO Northwest Indiana Forum
James Flannery, Chair, Northwest Indiana Forum Environmental Committee